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 COMPAÑÍA MEXICANA DE AVIACIÓN, S.A.  
 DE C.V. D/B/A MEXICANA AIRLINES

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BIGFOOT VENTURES LLC,  
  
 Plaintiff/Counter-Defendant,  
  
 v.  
  
 COMPAÑÍA MEXICANA DE AVIACIÓN,  
 S.A. DE C.V. D/B/A MEXICANA AIRLINES,  
  
 Defendant/Counter-Claimant.

) Civil Action No.:  
 ) 08 CV 1357 BEN (JMA)  
 )  
 ) **JOINT MOTION TO VACATE TRIAL**  
 ) **DATE AND OTHER DATES**  
 ) **PURSUANT TO AUTOMATIC STAY**  
 )  
 ) **Trial:**  
 ) Date: November 9, 2010  
 ) Time: 9:30 a.m.  
 ) Ctrm: 3  
 )  
 ) Honorable Roger T. Benitez

1 Plaintiff and Counter-Defendant Bigfoot Ventures LLC (“Bigfoot”) and Defendant  
 2 and Counter-Claimant Compañía Mexicana de Aviación, S.A. de C.V. d/b/a Mexicana  
 3 Airlines (“Mexicana”) have agreed and hereby jointly move this Court to vacate the trial and  
 4 other dates and otherwise suspend proceedings in light of Mexicana’s Chapter 15 Petition for  
 5 Recognition of a Foreign Main Proceeding, filed in the United States Bankruptcy Court for  
 6 the Southern District of New York on August 2, 2010.<sup>1</sup>

7 On August 18, 2010, the United States Bankruptcy Court for the Southern District of  
 8 New York (“Bankruptcy Court”) entered an order in the matter stating that, “the protections  
 9 of section 362 of the Bankruptcy Code shall apply to Mexicana and its assets in the United  
 10 States.” Order Granting Preliminary Injunction (“Order”) at 3.<sup>2</sup> The Bankruptcy Court  
 11 further ordered that “all persons and entities are enjoined in the United States from  
 12 commencing or continuing, including the issuance or employment of process of, any judicial,  
 13 administrative or any other action or proceeding involving or against Mexicana or its assets or  
 14 proceeds thereof, or to recover a claim or enforce any judicial, quasi-judicial, regulatory,  
 15 administrative or other judgment, assessment, order, lien or arbitration award against  
 16 Mexicana or its assets in the United States or the proceeds thereof . . . .” *Id.*

17 In light of the Order issued by the Bankruptcy Court, the parties jointly request that  
 18 this Court vacate the trial date and other pending dates and otherwise suspend this case. The  
 19 parties further request this Court set a status conference approximately ninety days from this  
 20 date.

21 The parties agree that, by entering this joint motion, Bigfoot has not waived its right  
 22 to move for a tolling of the applicable period for Mexicana’s alleged damages claims beyond  
 23 the trial date that this Court originally set; any such time period is the direct result of (a) the  
 24 automatic stay under section 362 of the Bankruptcy Code, (b) the Order, and/or (c) any  
 25 subsequent order by the Bankruptcy Court that maintains the stay, and Mexicana has not  
 26

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27 <sup>1</sup> The bankruptcy matter is docketed as Case No. 10-14182(MG) (Bankr. S.D.N.Y.).

28 <sup>2</sup> A true and correct copy of the Order is attached hereto as Exhibit A.

1 waived its right to oppose any such motion.

2 The undersigned counsel have communicated telephonically on this motion and are in  
3 agreement on the request to the Court.

4  
5 Respectfully submitted,

6 REICH RADCLIFFE LLP

7  
8 Dated: August 20, 2010

s/Marc G. Reich

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17 KNOBBE, MARTENS, OLSON & BEAR, LLP

18  
19 Dated: August 20, 2010

s/Michael K. Friedland

20 Michael K. Friedland  
Lauren Keller Katzenellenbogen  
21 Ali S. Razai  
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22 COMPAÑÍA MEXICANA DE AVIACIÓN, S.A. DE  
23 C.V. D/B/A MEXICANA AIRLINES

**PROOF OF SERVICE**

I, Michael K. Friedland, certify that on August 20, 2010, I presented the within **JOINT MOTION TO VACATE TRIAL DATE AND OTHER DATES PURSUANT TO AUTOMATIC STAY** to the Clerk of Court for filing and uploading to the ECF system which will send notification to the following:

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I declare under penalty of perjury that the foregoing statements are true and correct.

s/Michael K. Friedland

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